

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

GREGORY BROWN,

Defendant/Petitioner.

Crim. Case No. 92-CR-81127

HON. AVERN COHN

ORDER DENYING A CERTIFICATE OF APPEALABILITY
FROM THE COURT'S May 4, 2016 ORDER

I.

This is a criminal case that has long since closed. It has been made complicated by defendant/petitioner Gregory Brown's (Brown) multiple filings and subsequent appeals which will not be repeated here. On May 4, 2015, the Court denied Brown's motion to reopen (Doc. 2217), in which he again asked the Court to consider the merits of his claim that his trial counsel was ineffective. (Doc. 2218). The Court said in part: "[c]onstruing it as a motion for reconsideration of the Court's order denying him Rule 60(b) relief, nothing in Brown's filing shows that the Court erred in its decision. See E.D. Mich. LR 7.1(h)(3)."

Brown has appealed the Court's decision. See Doc. 2222. The Court of Appeals has asked for a determination of whether Brown is entitled to a certificate of appealability (COA) with respect to the Court's May 4, 2015 order. See Doc. 2205. In order to obtain a COA, Brown must make a "substantial showing of the denial of a

constitutional right." 28 U.S.C. § 2253(c)(2). Reasonable jurists would not debate the Court's conclusion that Brown is not entitled to relief under Rule 60(b) or that his motion to reopen, construed as a motion for reconsideration, deserves to proceed further. Accordingly, a COA is DENIED.

SO ORDERED.

S/AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: November 6, 2015
Detroit, Michigan